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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,885	11/08/2000	Giovanni Chiavarotti	2000 1545	1381

7590 03/14/2003

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EXAMINER

RUTHKOSKY, MARK

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 03/14/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/707,885

Applicant(s)

CHIAVAROTTI ET AL.

Examiner

Mark Ruthkosky

Art Unit

1745

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

The applicant's arguments are not persuasive. The applicant argues that the electrode of Yamada, as applied, is not substantially impermeable. The evidence supplied states that it is apparent that the electrode is a spongy electrode and is based on the Yamada disclosure beginning at col. 4, line 52 and figure 2.

This is inaccurate. The porosity discussed in column 4 is not to the electrode, but to the electrode substrate which is then filled with graphite and high density carbon. The density referred to in the arguments is the amount of carbon material added to this substrate. In both the reference and the instant application, the graphite will have an inherent density for graphite structured carbon. With regard to the applicant's arguments to the parent application, the subject matter of the instant application is to an electrode and not a process for making an electrode. The applicant argues that the process of the reference includes sintering and that makes the processes different. It is noted that the heating steps of the reference are comparable in the process of making the electrode and that sintering the material will provide a material with less surface area and a high density (as shown in the accompanying definition of sintering from Hawley's Condensed Chemical Dictionary.) In addition, a comparative example teaches a material prepared by the same process used to prepare the instant electrode. This teaching of the art will also provide a substantially impermeable electrode.

As such, the product is considered to be substantially impermeable and the claims stand rejected.

Mark Ruthkosky
Patent Examiner
ART Unit 1745
3/11/03
[Signature]

Derivation: By passing hydrogen sulfide gas into silver nitrate solution, washing and drying.
Use: Inlaying in niello metal-work, ceramics.

silvex. (fenoprop; generic name for 2-(2,4,5-trichlorophenoxy)propionic acid).
CAS: 93-72-1. $\text{Cl}_3\text{C}_6\text{H}_2\text{OCH}(\text{CH}_3)\text{COOH}$.
Properties: Solid, mp 180.4–181.6C, slightly soluble in water, freely soluble in acetone, methanol. Combustible.
Hazard: Use has been restricted.
Use: herbicide and plant growth regulator.

silvichemical. A chemical derived from wood, e.g., lignins, lignosulfonates (from spent sulfite liquor), vanillin, yeast (from fermentation of wood sugars), tall oil, sulfate turpentine, bark extracts, phenolic materials.

silvicide. A nonselective herbicide used to kill or defoliate bushes and small trees, e.g., ammonium sulfamate.

silylene. An organosilicon compound containing double-bonded silicon.

simazine. (2-chloro-4,6-bis(ethylamino)-s-triazine).
CAS: 122-34-9.
 $\text{ClC}_3\text{N}_3(\text{NHC}_2\text{H}_5)_2$.
Properties: White solid, mp 225C, insoluble in water, slightly soluble in organic solvents. Combustible.
Use: Herbicide.

Simmons-Smith reaction. Stereospecific synthesis of cyclopropanes by treatment of olefins with methylene iodide and zinc-copper couple.

Simonini reaction. The preparation of aliphatic esters by the reaction of two moles of the silver salt of a carboxylic acid and one mole of iodine.

Simonis chromone cyclization. Formation of chromones from phenol and β -keto esters in the presence of phosphorus pentoxide, phosphorus oxychloride or sulfuric acid. Coumarins may also be formed.

Simons process. An electrochemical fluorination process which makes fluorocarbons by passing an electric current through a mixture of the organic starting compound and liquid anhydrous hydrogen fluoride. The products are hydrogen and the desired fluorocarbon.

simple distillation. Distillation in which no appreciable rectification of the vapor occurs, i.e., the vapor formed from the liquid in the still is completely condensed in the distillate receiver and

does not undergo change in composition due to partial condensation or contact with previously condensed vapor.

SIMS. Abbreviation for secondary ion mass spectroscopy.

single-cell protein. See protein, single-cell.

sintering. The agglomeration of metal or earthy powders at temperatures below the melting point. Occurs in both powder metallurgy and ceramic firing. While heat and pressure are essential, decrease in surface area is the critical factor. Sintering increases strength, conductivity, and density. See Rittinger's law.

"Sipenol."⁵⁴² TM for ethoxylated fatty and short-chain amines.

Use: Cosmetics, textile industry, metal cleaning, agricultural emulsifiers, chemical and pharmaceutical intermediates.

"Sipex."⁵⁴² TM for industrial grade alcohol sulfates and alcohol ethoxylate sulfates.

Use: Detergents, emulsion, polymerization, and textile industry. Available are principally ammonium, magnesium, sodium, and triethanolamine lauryl sulfates, sodium tridecyl sulfate, sodium-2-ethylhexyl sulfate, and sodium lauryl ethoxylate sulfate.

See also "Sipon."

"Sipomer."⁵⁴² TM for a group of speciality monomers; they include dimethylaminoethyl methacrylate, hydroxyethyl methacrylate, dimethyl and diethyl maleates, and allyl glycolate.

Use: For polymerization.

"Sipon."⁵⁴² TM for a cosmetic grade of fatty alcohol sulfates and fatty alcohol ethoxylate sulfates.

They include about the same materials as the "Sipex" grade and also diethanolamine lauryl sulfate, sodium cetyl sulfate, and ammonium lauryl ethoxylate sulfate.

"Siponate."⁵⁴² TM for purified alkylarylsulfonates, including sodium dodecyl benzene sulfonate (branched or linear) and sodium lauroyl monoglyceride sulfate.

SIPP. Abbreviation for sodium iron pyrophosphate.

sisal.

Properties: Hard, strong, light yellow to reddish fibers obtained from the leaves of *Agave sisilana*. Strength 4.5 g/denier, fineness ranges from 300–500 denier. Combustible, not self-extinguishing.